

Evening Bulletin

With which is Incorporated the "Independent."

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HONOLULU, H. I., WEDNESDAY, OCTOBER 2, 1895.

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THE Evening Bulletin

With which is incorporated the INDEPENDENT.

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AYER'S Cherry Pectoral

HAS NO EQUAL

FOR THE RAPID CURE OF

Colds, Coughs,

Influenza, and

SORE THROAT.



It will relieve the most distressing cough, soothe the inflamed membrane, loosen the phlegm, and induce refreshing sleep. For the cure of Croup, Whooping Cough, Sore Throat, and all the pulmonary troubles to which the young are so liable, there is no other remedy so effective as

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Carriage Manufactory

128 & 130 FORT STREET.

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Orders from the other Islands in Building, Trimming, Painting, etc., etc., Promptly attended to.

W. W. WRIGHT, Proprietor.

(Successor to G. West.)

What better investment than a light office coat, these sweltering hot days. Cool, comfortable and cheap. McInerney.

Patrons of the Criterion Saloon are notified that a fresh supply of Wieland's celebrated beer will arrive by the Australia. Also fresh oysters for cocktails.

Bicyclers are likely to get cut, scraped, sprained, bruised, or some way hurt. No matter which, an application of Redding's Russia Salve will take away the smart and pain, and cure the trouble in a hurry. Thousands of wheelmen never go on the road without it. Why should you? 25 cents buys it of any druggist. Handy box for your pocket. Hollister Drug Co., Agts.

CLAUS SPRECKELS SUED.

TEMPORARY INJUNCTION ISSUED AGAINST THE MILLIONAIRE

Scores of Pages in the Documents Found to be a Celebrated Cause.

A bill in equity for declaration and specific performance of trust, for injunction and account was filed yesterday by the Hawaiian Commercial and Sugar Company, plaintiff, against Claus Spreckels, defendant. Messrs. Thurston and Hartwell act for the complaining corporation. The bill and attorneys' affidavit occupy 28 type-written pages, and there are 88 pages of type-writing taken up with exhibits. These contain the signatures of many notable personages, both living and dead, of Hawaii and California. The first one is a petition to King Kalakaua and his ministry in Council for extensive water rights on Maui.

In compliance with the petition Judge Whiting signed the following temporary injunction:

"In the name of the Republic of Hawaii.

"To Claus Spreckels, his Agents, Attorneys or Servants.

"Whereas, the Hawaiian Commercial and Sugar Company has filed its bill in equity against Claus Spreckels, defendant, before the Honorable William Austin Whiting, First Judge of said Circuit Court at Chambers, setting forth reasons why you should be restrained and enjoined by the restraining order or injunction of this Court for selling, leasing, mortgaging or otherwise charging or encumbering of that portion of the Ahupuaa of Wailuku, in the Island of Maui, in the Republic of Hawaii, not heretofore conveyed by you to said Company during the pendency of this suit, and order was made thereon that such injunction issue upon the plaintiff's filing its approved bond in the sum of four thousand dollars, which such bond has been filed and approved by said Judge.

"Now therefore you, said Claus Spreckels, your attorneys and agents are commanded and strictly enjoined under penalty of being adjudged guilty of contempt of said Court that you and each of you do absolutely desist and refrain from selling, leasing, mortgaging or otherwise charging or encumbering any portion of the said Ahupuaa of Wailuku not heretofore conveyed by you to said Company, until the further order of said Court."

Service of Chambers summons in the matter was made by Deputy Marshal H. R. Hitchcock on Claus Spreckels through Walter M. Giffard, his attorney.

The bill recounts the history of the great Spreckelsville plantation from its inception about eighteen years ago. Its gist is as follows: Mr. Spreckels obtained all of the property for the plantation and its water supply in his own name, and latterly conveyed all of it excepting about 16,000 acres to the Hawaiian Commercial & Sugar Company. This area comprises practically the whole Wailuku valley, which contains the sources of the plantation's vast irrigating system. It was after Mr. Spreckels had disposed of his controlling interest in the company that the discovery was made of his non-conveyance of this valuable portion of the property. The principal prayer of the petition is the following: "That the defendant be declared to be a trustee to the plaintiff's use of the fee simple of said portion held by him as aforesaid of the said Ahupuaa of Wailuku, and that he

be ordered and decreed to execute and deliver to the plaintiff, its successors and assigns forever, a deed of all of the portion of said Ahupuaa of Wailuku so omitted by him to be conveyed to the plaintiff and withheld by him as aforesaid, and also to account with the plaintiff for, and to pay over to the plaintiff all moneys received by him as rents, issues and profits thereof, or of any part or parcel thereof since he acquired as aforesaid the fee simple in said land, and that he pay the costs of this suit."

A BURGLAR ABOUT.

A Slick Thief Operating on Adams Lane Last Night.

When Douglas Monsarrat goes to bed he is in the habit of putting his pants on a convenient chair, but when he woke up this morning they were not there. They were in an adjoining room and a dollar that was in one of the pockets was missing. Mr. Monsarrat is thanking the lucky star that impelled him to place his watch and chain and the rest of his money under a pin cushion before retiring. The wardrobe in an adjoining room was also tampered with and the burglar nearly wrenched the knob off in an attempt to get at the contents. Bare footprints were seen this morning on the steps leading to the veranda and from the impression and shape they were evidently those of a Chinese. An attempt was also made to open a window of another cottage in the same lot.

About the same time a lady sleeping in a room in a cottage across the lane was awakened by a noise in her room and by the moonlight detected a man standing over the bureau. She screamed and jumped out of bed, and the intruder leaped out of the open window, breaking a shelf and some of the lattice work beneath in his hurried descent. The lady did not see the man's face in her excitement, but says he was of slim build, barefooted, and appeared to be dressed only in a pair of white drawers or tight-fitting pants.

A police whistle was sounded several times and succeeded in arousing everybody in the neighborhood except the police.

WITH A CLEAN BILL.

The Australia Takes the News That This Port is Healthy.

The steamer Australia which leaves at 4 o'clock this afternoon will carry the news that the port of Honolulu is no longer infected. In other words she leaves with what is known in shipping circles as a clean bill of health.

This is nothing more or less than a certificate, signed and sealed by the American Consul-General, to the effect that the port is healthy at the time of the departure of the vessel. This certificate also carries an endorsement stating that two cases of cholera only have occurred in fourteen days, but that the disease is no longer epidemic.

The local quarantine regulations concerning the cholera and referring to inter-island traffic cut no figure in the case, as the Australia's bill of health is made out under international quarantine rules.

There was a bathing party numbering 35 to 40 at Wright's Villa last night. It was managed by Mrs. H. T. Walker and Mrs. Donnelly. Before and after the surf bath, singing, recitations and dances were enjoyed in the lanai.

There was no hearing before the Supreme Court today, on account of parties having business connected with the Australia's departure.

IN THE HIGHER COURTS.

DECISIONS ON DEATH BENEFIT AND THE CHINESE THEATER.

Bad Year for the James Woods Estate - Bail Refused for an Infamous Offense.

The bond of Bruce Cartwright, as trustee of the estate of R. W. Holt, for \$20,000 executed on July 28, 1892, has been cancelled and a new one substituted for \$10,000.

Henry Smith has filed a report as master on the accounts of the trustees of the estate of James Woods, deceased testate. Receipts were \$12,057.69 and payments \$17,805.30. There was a decrease in the receipts of 1894 of \$5,448.46 as against those of 1893. The expenditures decreased also, by \$8,084.05. The debt due to T. H. Davies & Co. is now \$35,383.81, an increase of \$5,870.31. An increase of \$248.06 has occurred in the expenses of the family of the deceased, which were \$4,630.28. Receipts from Beecroft Plantation show a decrease of \$3,500, and from sale of stock and produce \$8,521.97. Purchases of stock and ranch expenses decreased by \$8,521.97. There were thirteen horses more but 177 head of cattle less in the inventory of 1894 than in that of 1893. "Altogether," the master says, "the year 1894 has not been a prosperous one in the financial showing of the estate."

An application for bail was made to Judge Cooper yesterday on behalf of Ah Wong, committed for trial for outrage. The motion was taken under advisement. Robertson for the prisoner; Deputy Attorney-General Carter for the Republic.

Before the Supreme Court on Wednesday Emele vs. C. Williams was argued and submitted. Circuit Judge Whiting sat with Chief Justice Judd and Justice Fearar. Kinney for plaintiff, C. Brown for defendant.

The same afternoon J. I. Dowsett vs. Maukela and others was heard, J. A. Magoon, barrister, sitting in place of Justice Bickerton. C. Brown for plaintiff; Kinney for defendants-appellant.

Judge Cooper has denied the application of Ah Wong, charged with an infamous offense, to be admitted to bail.

Judge Whiting has rendered a decision upon the equity claim of Antonio da Costa Daniel against the Portuguese Mutual Benefit Society of Hawaii, for a death benefit claimed by plaintiff to have accrued by reason of the death of his son, a member of the defendant corporation. Defendant resisted the claim on the grounds that the son was not in good standing on the society's books, that if he was found to be in good standing the father was not under the laws of the society entitled to the benefit, and that the evidence did not warrant the finding in favor of the plaintiff. All these points are over-ruled and \$794.50, the amount shown by the accounting prayed for, be decreed to be paid by defendant to plaintiff. Neumann for plaintiff; Kinney for defendant.

Judge Cooper has rendered the following decision on the demurrer to the bill in equity for an injunction against the new Chinese theater:

"The substance of the bill is that the plaintiff is a resident of a district in Honolulu undisturbed by noisy trade and businesses; that the defendant is about to erect a building to be used as a Chinese theater, where performances are to take place upon instruments which produce harsh, strident and discordant tones of great volume and continuity; that such performances are

usually acted between twilight and midnight, and that thereby the peace and enjoyment of the life of plaintiff will be an impossibility.

"Courts have declined to interfere with the erection of a building because it might become a nuisance by reason of the use its owner might put it to, unless such use is shown to be a nuisance per se.

"The only question I feel called upon to decide at the present is, taking the allegations of the bill to be true: Does it show a nuisance per se; or, in the language of some of the courts: Has a prima facie case to be made out? This I feel bound to answer in the affirmative, and for that reason I consider that the demurrer should be overruled."

Thurston and Robertson for plaintiff; Hartwell and Stanley for defendant.

MORTUARY REPORT.

Agent Reynolds' Report for the Month of September.

A glance at the monthly report of C. B. Reynolds, agent of the Board of Health, shows there were 112 deaths in this city during September, of which 49 were from cholera. Other principal causes of death were: Bronchitis 6, heart disease 6, convulsions 7, fever 5, inanition 4, pneumonia 4, and whooping cough 5.

For the last 5 years the death rate for September has been: 1891, 45; 1892, 36; 1893, 64; 1894, 45 and 1895, 112, an average of a little over 60 per month.

Paradise of the Pacific.

This valuable journal has again made its monthly appearance, and as usual is replete with interesting articles. Among them may be mentioned "The Republic of Hawaii," by E. E. Boyer, "Native Hawaiian Feast," by Charles L. Brace, and Peter C. Jones' article on "Hawaiian Islands and Annexation." The new number is a beautiful specimen of the art preservative and contains some excellent photo-engravings.

The Australia's outward bound cargo is valued at \$31,500.

There will be no meeting of the Board of Health this afternoon.

The deaths from cholera in September exceeded the total deaths from all causes for the same month last year by four.

Attorney-General Smith was personally attending to fumigation matters at the Australia's wharf this afternoon.

The Hawaiian Lime and Stone Company offers for sale a fine article of lime in quantities to suit. Ring up telephone 247.

The Union Feed Company is helping the good cause along by employing a number of natives to repaint their large warehouses.

One of the passengers who arrived on the Australia claims to have information that Minister Castle would not be received by President Cleveland.

Theo. H. Davies & Company advertise salmon, raisins, butter, cheese, onions and potatoes by the Australia, and rolled barley, bran, middlings, C. & C. flour and codfish by the Miowera.

Macfarlane & Co. call attention to a consignment of Palm Tree and Key brands of gin. Hennessey 3-star brandies, O.P.S. Bourbon whiskey, California wines and Anheuser Busch beer.

That Tired Feeling

Is a common complaint and it is a dangerous symptom. It means that the system is debilitated because of impure blood, and in this condition it is especially liable to attacks of disease. Hood's Sarsaparilla is the remedy for this condition, and also for that weakness which prevails at the change of season, climate or life.

Hood's Pills act easily, yet promptly and efficiently on the bowels and liver. 25c. 116-17.

IN THE POLICE COURT.

TWENTY-EIGHT OFFENDERS BEFORE JUDGE PERRY TODAY.

Fined For Having Opium in Possession - The Foughtailing Perjury Case Partly Heard.

When Judge Perry mounted his rostrum this morning he found twenty-eight defendants awaiting an audience, and in his usual courteous manner proceeded to deal out justice, tempered with mercy.

The first case called was that against eight unfortunate people who would a-yachting go last Sunday and landed in Pearl Harbor contrary to the rules and regulations in such cases made and provided by the Board of Health. The prosecution evidently thought that ten hours in a leaky boat with nothing to eat or drink was punishment enough for the crowd, and allowed the charge to be nolle prosequi.

Ben Kalana, charged with drunkenness, acknowledged the corn and received the usual fine.

An Hawaiian dmsel who answered to the name of Miss H. Luce forfeited her bail rather than make a shamefaced appearance before His Honor and the courtroom spectators on the same charge.

Millini, a native boy, arrested for stealing coal from the various piles about the city front, entered a plea of not guilty and will be tried tomorrow.

Ah Fat's weasel skin will not be as fat as it was after he has paid his fine. Mr. Fat pleaded guilty to the charge of having opium in his possession and was fined \$50 and costs therefor.

Lau Chan is out on \$50 bail, pending his trial on the charge of endangering the health of the community by fishing in Nuuanu stream. When his trial is had on the 5th Lau Chan will know whether he will get any change out of his \$50 or not.

Tom Ning is a very innocent Chinese, according to his own story, helped out as it was by numerous witnesses on his behalf. Tom keeps a restaurant and instead of buying coal in wholesale quantities from legitimate dealers purchases it from native boys at a rate about one-fourth its actual value. He pleaded not guilty to the charge of receiving stolen goods, and after hearing his testimony His Honor concluded that Tom could not be induced to knowingly purchase stolen coal under any conditions, not even if it was whitewashed and gilt-edged.

Mr. Wo Chong, who is also charged with purchasing stolen coal, will endeavor to prove his innocence on the 5th, to which date his trial was adjourned.

In the case of George Houghtaling, charged with committing perjury on his recent trial for selling liquor without a license, the testimony of Judge Wilcox, who presided at the trial, and Julius Lundberg was taken and further proceedings continued till tomorrow.

The case of Gibbs and Murphy on the same charge was set for trial tomorrow morning.

The brigantine W. G. Irwin sails for San Francisco tomorrow.

Mrs. Geo. Grau and Mrs. Wm. Taylor returned by the steamer W. G. Hall.

Mrs. Bruce Cartwright and two children will leave for the Coast by the Australia.

The furniture, desks, etc., in the Police Station and deputy-marshal's office are being fixed up and varnished.